

From: G Gerig
To: Microsoft ATR
Date: 1/16/02 6:01am
Subject: Public comment on Microsoft antitrust case

Ms. Hesse:

I want to register my support for a speedy settlement of what I consider a shameful, even contemptible attack on the very core of American free enterprise.

For the record, I am not affiliated in any way with Microsoft or anyone related thereto. But the Justice Department's decade-old war against Bill Gates and the Microsoft Corporation, apparently for the heinous crime of succeeding in the American dream and profiting justly from that success, is if nothing else a flag indicating the need for a thorough overhaul of the entire edifice of antitrust laws, with an eye toward repeal.

I find it most odd, for example, that if a given corporation creates a new product for which there is high demand, and prices it accordingly under the principles of basic economics (supply & demand,) it is attacked under antitrust law as "price-gouging" and "attempting to corner a market." But if that corporation lowers the price of its creation, (even to zero in the case of Microsoft's Internet software) - to the vast benefit of its customers - it is charged under antitrust law with "unfair competition" and subjected to years of state persecution on a par with a Medieval Inquisition. The modern equivalent of the accusation "Heretic!" - which utterance alone was as good as a conviction and sentence - has merely been replaced with the term "Monopolist!"

The entire action against Microsoft was reportedly initiated by complaints to the government by Microsoft's second-rate competitors such as Netscape, Sun and the like. They ran to the government in the manner of whining, spoiled children throwing a tantrum before Mommy and Daddy, complaining that because they'd failed to produce products to equal or surpass Microsoft's in the courtroom of the American marketplace, they needed a viable excuse to drag Microsoft into the courtrooms of America's legal system - to "achieve" by force what they couldn't by ingenuity and productivity.

Enter the infinitely malleable tool of antitrust law, which Alan Greenspan once equated with the capricious edicts of a dictatorship. The United States Justice Department thereby became, in effect, the "heavy" in a gargantuan protection racket. When private citizens attempt to do this sort of thing, they're arrested and thrown in jail.

Random computer techies have railed for years about their personal likes and dislikes of esoteric aspects of Microsoft products - all of which are irrelevant in this context. Like it or not, the Microsoft operating systems became and remain the predominant choice of computer users. With every revision and with the emergence of each of its competitors' alternate systems, the market - which means the free choices of free individuals - decided that Microsoft's products would continue to dominate the computer

industry. The operating systems of Sun, Apple, etc. were available, but the public chose Microsoft. No one forced anyone to purchase Microsoft products - people simply evaluated them as preferable to others on a consistent basis.

Where there is free choice, there is no coercion. Where there is no coercion, there is no violation of rights. Where there is no violation of rights, there is no justification for the intrusion of the state.

Microsoft became a target for attack for the same reason that every person or entity that rises above others becomes a target: envy. In retrospect, it's arguable that the motives behind the assault on Microsoft are identical at the core level to those behind the assault on the World Trade Center on September 11, 2001: Hatred of wealth, of prosperity, of achievement, of capitalism in general.

There is another aspect of the Microsoft Witch Hunt that I find particularly repulsive. Like the similar Tobacco Witch Hunt, it has become a fairly obvious means for state bureaucrats to milk a very, very deep set of pockets for revenue - without having to go through that tedious and distasteful business of getting a tax increase past voters. (Didn't America once fight a war to shed the abuses of an insulated monarchy?)

Virtually as I write this, California Governor Gray Davis is attempting to "securitize" money extorted from tobacco companies - in order to cover the State's financial shortfall resulting from his policies; In the heat of the Clinton Administration's assault on Microsoft, one could almost hear the salivating of those who stood to rake in the proposed billions in fines and fees imposed under the persecutorial robbery of antitrust.

- Is this any way for state governments to fund their budgets?

I regard these actions - against the tobacco industry, Microsoft, and the similar attempts made against Intel and a handful of other American "overachievers" - as, collectively (all puns intended,) the most dangerous abuses of American citizens and institutions by government officials in the history of this country. If the term "justice" is to retain any meaning, this has got to stop.

Pepperdine University economist George Reisman identified the concept of "Platonic Competition" - a situation in which everyone is exhorted to compete, but no one is allowed to win. It's logically and ethically perverse - yet that is the very condition proposed under antitrust.

[Reisman is far more eloquent and precise than me - I will refer you to three of his articles, with which I agree fully...

"Microsoft and Its Enemies" (9/27/98) at:
<http://www.capitalism.net/articles/microsoft.htm>

"A Brief For Microsoft" (3/13-14/2000) at:
<http://www.capitalism.net/articles/BriefMS1.htm>

"The Meaning of the Government's Proposal to Break Up Microsoft" (4/30/2000)
at:
<http://www.capitalism.net/articles/Microsoft%20Breakup.html>]

My interest in this issue arises primarily out of a concern for the future of American freedom. Human beings literally cannot survive without the freedom to produce, keep, and trade the material means required for the continuation of life, liberty, and happiness. But political freedom cannot exist without economic freedom - the destruction of one, in whole or in part, necessarily means the proportional destruction of the other.

The famed Austrian economist Ludwig von Mises (Reisman's mentor, as it happens,) warned that government controls on the market inevitably breed further controls, and that if the trend is never reversed, government interventionism will escalate to the point where every facet of economic activity is controlled by the state - the "Zwangswirtschaft" of Nazi Germany being the most vivid example.

It is time to end the witch-hunts, to reform and/or dismantle the corrupt legislation under which they're conducted (i.e. antitrust,) and to restore the battered freedoms we require for our very survival as free individuals.

Thank you for listening, I realize that my conception of "brevity" is frequently stunning...

Sincerely,
Gregory Gerig
Montrose, CA USA
01-16-02

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